

# CHAPTER 1

## INTRODUCTION

1. PURPOSE. The Agency Files Maintenance and Records Disposition Handbook establishes policy incorporating applicable Federal requirements into standard Agency practices, outlines basic records management program requirements, and sets forth responsibilities for records management. Since all Agency staff create, maintain, and use Agency records, it is important that everyone understand their records management responsibilities. Agencywide policy provides the framework for specific guidance and detailed operating procedures governing records management organization, responsibilities, and implementation.
2. SCOPE AND APPLICABILITY. This policy applies to all of the Animal and Plant Health Inspection (APHIS), as defined under the Federal Records Act (44 U.S.C. 3101), regardless of medium (including paper, microform, electronic, audiovisual, and record copies of Agency publications), which are created, collected, processed, used, stored, and/or disposed of by APHIS organizations, employees, and facilities, as well as those acting as its agents, such as States, contractors, or grantees.
3. BACKGROUND.
  - a. The Federal Records Act of 1950, as amended, requires all Federal agencies to make and preserve records containing adequate and proper documentation of their organization, function, policies, decisions, procedures, and essential transactions. These records are public property and should be managed according to applicable laws and regulations.
  - b. Records are broadly defined by statute and regulation to include all recorded information, regardless of medium or format, made or received by APHIS and its agents under Federal law or in connection with the transaction of public business, and either preserved or appropriated for preservation because of their administrative, legal, fiscal, or informational value.
  - c. Records are a valuable information resource whose uses go beyond facilitating immediate operational needs. Records serve a number of broader purposes including: longer-term administrative and program planning needs, evidence of Agency activity, use by other Programs in the Agency, protection of the legal and financial rights of the Government and its citizens, effective oversight by Congress and other authorized agencies, and the retention of an official record for historical purposes. Records serve as the Agency's memory; they are of critical importance in ensuring that the organization continues to function effectively and efficiently.

- d. Not all documentary materials used by APHIS and its agents are records. Examples of documentary materials that are not records include library and reference materials, stocks of publications and processed documents maintained for distribution, extra copies of documents made or acquired only for convenience of reference (often called technical reference materials), and personal papers.
- e. Records should be managed as an Agency asset throughout their life cycle, which consists of three basic stages: creation, active maintenance and use, and disposition. The records life cycle is initiated by the creation, collection, or receipt of records in the form of data or documents in the course of carrying out APHIS's administrative and program responsibilities. The life cycle continues through the processing and active use of the information in the record until the record is determined to be inactive. The final step in the life cycle is disposition, this frequently involves transfer to inactive storage, followed by transfer to the National Archives or destruction.
- f. As records move through the information life cycle, they require management by: "sponsors" who created them or directed their creation, and who are responsible for their continued maintenance and disposition. Also, users who have a need for the information in the records; and custodians who have physical custody of the record at various stages in the life cycle have should insure the continue care of information.
- g. APHIS organizations, staff, and their agents who create, use, and acquire custody or possession of Agency records do not retain a proprietary interest in such records. Official Agency records are public assets and belong to the Government, not to programs by virtue of their possession or to individuals by virtue of their position as Agency officials. Penalty for the willful and unlawful destruction, theft, and private use of official records is punishable by fine and/or imprisonment (18 U.S.C. 2071.)
- h. Records management is defined as planning, controlling, directing, organizing, training, promoting, and other managerial activities involved with respect to records creation, records maintenance and use, and records disposition. In order to achieve adequate and proper documentation of the policies and transactions of the Federal Government and effective and economical management of agency operations.
- i. APHIS is required under Federal statute (44 U.S.C. 31) to establish a records management program, defined as a planned, coordinated set of policies, procedures, and activities needed to manage an agency's recorded information. Essential elements include issuing up-to-date records management administrative and program directives, properly training those responsible for implementation, and carefully evaluating the results to ensure adequacy, effectiveness, and efficiency. Chapter 36 of the Code of Federal Regulations (36 CFR 1222.20) and Office of Management and Budget (OMB) Circular A-130, Management of Federal Information Resources, require that agencies integrate records management into the overall information resources management (IRM) program.

- j. This policy is intended to be read in the context of the entire APHIS IRM policy. It is not comprehensive in covering all IRM requirements affecting records management. Program offices wishing to manage their records electronically should review carefully all pertinent Federal IRM regulations and Agency policies to ensure that the records they create will meet all requirements. This is especially true for areas such as electronic signatures, which have legal and audit implications.

#### 4. LAWS AND AUTHORITY.

- a. 5 U.S.C. 552 (The Freedom of Information Act, as amended).
- b. 5 U.S.C. 552a (The Privacy Act of 1974).
- c. 5 U.S.C. 553 (Administrative Procedures Act).
- d. 5 CFR 1320.16 (Collection of information prescribed by another agency).
- e. 5 CFR 1320.17 (Interagency reporting).
- f. 18 U.S.C. 2071 (Destruction of Records).
- g. 18 U.S.C. 2701-2707 (The Electronic Communications Privacy Act of 1986).
- h. 31 U.S.C. 1101 et. seq. (Budget and Accounting Procedures Act of 1921).
- i. 44 U.S.C. 29 (Records Management by the Archivist of the United States and the Administrator of General Services).
- j. 44 U.S.C. 31 (Records Management by Federal Agencies).
- k. 44 U.S.C. 33 (Disposal of Records).
- l. 44 U.S.C. 35 (Paperwork Reduction Act of 1980, as amended).
- m. 44 U.S.C. 3504(e) (Paperwork Reduction Reauthorization Act of 1995).
- n. 36 CFR 1220 to 1238 (Records Management).
- o. 41 CFR 201-6 to 201-11 (Records Management).
- p. OMB Circular A-130, Management of Federal Information Resources.
- q. Applicable Federal Information Processing Standards (FIPS) publications.

- 5. DELEGATION OF AUTHORITY. The administrator is responsible for creating and preserving records that adequately and properly document the organization, functions, policies, procedures, and essential transactions of APHIS. This responsibility is delegated to the Manager, Riverdale/Washington Business Site (RWBS), and redelegated to the Forms, Issuances and Records Management (FIRM) Services Center.

This Handbook replaces any internal administrative office record guidelines that may be in use. Refer any questions or concerns to FIRM, RWBS, MRP-BS, APHIS.